

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PHILLIP JONES, ) CASE NO. ED CV 15-2494-VAP (PJW)  
Petitioner, )  
v. ) ORDER DISMISSING SECOND AND  
MR. FIGUEROA, WARDEN, ) SUCCESSIVE HABEAS CORPUS PETITION  
Respondents. )  
\_\_\_\_\_  
)

Before the Court is Petitioner's third attempt to challenge his 1999 state conviction and sentence for bank robbery and false imprisonment with use of a firearm. In 2003, he filed a habeas corpus petition, which was denied because it was untimely. (*Jones v. Pliler*, ED CV 03-1540-RGK (MAN), September 2, 2004 Order Adopting Report and Recommendation of United States Magistrate Judge.) This constituted a decision on the merits. See *McNabb v. Yates*, 576 F.3d 1028, 1029-30 (9th Cir. 2009). Petitioner attempted to appeal the dismissal, but his request for a certificate of appealability was denied by this Court and the Ninth Circuit Court of Appeals.

In March 2011, he filed a new habeas petition, which was dismissed as an unauthorized second or successive petition. (*Jones v.*

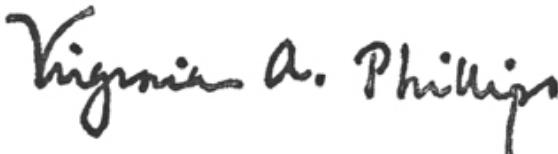
1 McDonald, ED CV 11-477-VAP (MAN), March 31, 2011 Order.) Petitioner  
2 did not appeal that decision.

3 The current Petition is also subject to dismissal as being second  
4 and successive. See 28 U.S.C. § 2244. Absent an order from the  
5 appellate court, this Court does not have jurisdiction to entertain a  
6 second or successive petition. See 28 U.S.C. § 2244(b)(3)(A); Burton  
7 v. Stewart, 549 U.S. 147, 157 (2007). For this reason, the Petition  
8 is dismissed.

9 Further, the Court finds that, because Petitioner has not made a  
10 substantial showing of the denial of a constitutional right or that  
11 the court erred in its procedural ruling, he is not entitled to a  
12 certificate of appealability. See 28 U.S.C. § 2253(c)(2); Fed. R.  
13 App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack  
14 v. McDaniel, 529 U.S. 473, 484 (2000).

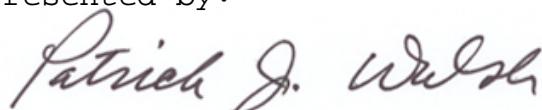
15 IT IS SO ORDERED.

16 DATED: December 15, 2015.



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19 VIRGINIA A. PHILLIPS  
20 UNITED STATES DISTRICT JUDGE  
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23 Presented by:



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25 PATRICK J. WALSH  
26 UNITED STATES MAGISTRATE JUDGE  
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